

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

NO. CV24-09-734

**IN THE MATTER OF
THE MARRIAGE OF**

**CHRISTOPHER MCCARTHY
and
DARCY GUSSE**

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IN COUNTY COURT AT LAW

NUMBER TWO

WISE COUNTY, TEXAS

**SECOND AMENDED PETITION FOR DIVORCE AND REQUEST FOR TEMPORARY
RESTRAINING ORDER**

1. Discovery

Discovery in this case is intended to be conducted under level 2 of rule 190 of the Texas Rules of Civil Procedure.

Preservation of Evidence: Respondent is put on notice to preserve and not destroy, conceal, or alter any evidence or potential evidence relevant to the issues in this case, including tangible documents or items in Respondent's possession or subject to Respondent's control and electronic documents, files, or other data generated by or stored on Respondent's home computer, work computer, storage media, portable systems, electronic devices, online repositories, or cell phone.

2. Objection to Assignment of Case to Associate Judge

Petitioner objects to the assignment of this matter to an associate judge for a trial on the merits or presiding at a jury trial.

3. Parties

This suit is brought by Christopher McCarthy, Petitioner. The last three numbers of Christopher McCarthy's driver's license number are 269. The last three numbers of Christopher McCarthy's Social Security number are 172.

Darcy Gusse is Respondent.

4. Domicile

Petitioner has been a domiciliary of Texas for the preceding six-month period and a resident of this county for the preceding ninety-day period.

5. Service

Process should be served on Respondent at 157 CR 1380, Alvord, Texas or wherever Respondent may be found.

6. Jurisdiction

The subject matter in controversy is within the jurisdictional limits of this court.



7. *Protective Order Statement*

An application for a protective order under title 4 of the Texas Family Code is pending with regard to a party. The application for protective order was filed on 17 September 2024 in the Wise County Court at Law #2 in Cause No. CV24-09-749; no further information is known at this time.

8. *Dates of Marriage and Separation*

The parties were married on or about 2017 and ceased to live together as spouses on or about 31 March 2024.

9. *Grounds for Divorce*

The marriage has become insupportable because of discord or conflict of personalities between Petitioner and Respondent that destroys the legitimate ends of the marriage relationship and prevents any reasonable expectation of reconciliation.

10. *Children of the Marriage*

There is no child born or adopted of this marriage, and none is expected.

11. *Division of Community Property*

Petitioner believes Petitioner and Respondent will enter into an agreement for the division of their estate. If such an agreement is made, Petitioner requests the Court to approve the agreement and divide their estate in a manner consistent with the agreement. If such an agreement is not made, Petitioner requests the Court to divide their estate in a manner that the Court deems just and right, as provided by law.

12. *Separate Property*

Petitioner owns certain separate property that is not part of the community estate of the parties, and Petitioner requests the Court to confirm that separate property as Petitioner's separate property and estate.

13. *Confirmation of Constructive Trust*

Petitioner requests the Court to find that a "constructive trust" has been formed between Petitioner and Respondent relative to the alleged community properties in this matter and alternatively relative to the properties owned by both the Petitioner and Respondent, namely:

- a. Lot 20, Block 1, of BAR W, an Addition to Wise County, Texas, according to the Plat thereof recorded in Cabinet E, Slide 311, Plat Records of Wise County, Texas ~ 10 acres; and
- b. Lot 21, Block 1, of BAR W, an Addition to Wise County, Texas, according to the Plat thereof recorded in Cabinet E, Slide 311, Plat Records of Wise County, Texas ~ 10 acres.

Petitioner asserts that both parties purchased and own, regardless of titling, the above properties and have maintained the rights at all times to possess the property. Petitioner has improved both of the properties, one significantly wherein he runs his business. Petitioner believes Respondent is attempting to unlawfully and without authorization assume and exercise sole control over the property at the exclusion of Petitioner, inconsistent with Petitioner's rights

as an owner. Petitioner by virtue of this and prior filings, and in attempted communication with Respondent, has demanded that the property remain unencumbered and be returned. Petitioner has filed *lis pendens* with the County accordingly. Respondent circumstantially refuses to return the property to Petitioner, as Respondent is refusing process of these actions and hiding – thus bringing the property that is currently only titled in her name into question.

Petitioner requests that the Trust be found relative to these properties and that Orders be carried out immediately to protect the property from encumbrance, sale, distribution, forfeiture, or any other legal change relative to title, ownership, and conveyance in any manner. *See attached affidavit.*

14. Request for Temporary Restraining Order

Petitioner requests the Court to dispense with the issuance of a bond, and Petitioner requests that Respondent be temporarily restrained immediately, without hearing, and after notice and hearing be temporarily enjoined, pending the further order of this Court, from the *standing orders* of this Court and particularly including:

1. Intentionally, knowingly, or recklessly destroying, removing, concealing, encumbering, transferring, or otherwise harming or reducing the value of the property of one or both of the parties with intent to obstruct the authority of the Court to order a division of the estate of the parties in a manner that the Court deems just and right, having due regard for the rights of each party, including the specific properties listed herein above.
2. Intentionally falsifying a writing or record, including an electronic record, relating to the property of either party.
3. Intentionally misrepresenting or refusing to disclose to Petitioner or to the Court, on proper request, the existence, amount, or location of any tangible or intellectual property of one or both of the parties, including electronically stored or recorded information.
4. Intentionally or knowingly damaging or destroying the tangible or intellectual property of one or both of the parties, including electronically stored or recorded information.
5. Intentionally or knowingly tampering with the tangible or intellectual property of one or both of the parties, including electronically stored or recorded information, and causing pecuniary loss or substantial inconvenience to Petitioner.
6. Selling, transferring, assigning, mortgaging, encumbering, or in any other manner alienating any of the property of one or both of the parties, whether personal property, real property, or intellectual property, and whether separate or community property, except as specifically authorized by order of this Court.
7. Incurring any debt, other than legal expenses in connection with this suit, except as specifically authorized by order of this Court.
8. Withdrawing money from any checking or savings account in any financial institution for any purpose, except as specifically authorized by order of this Court.
9. Opening or diverting mail or email or any other electronic communication addressed to Petitioner.
10. Signing or endorsing Petitioner's name on any negotiable instrument, check, or

draft, including a tax refund, insurance payment, and dividend, or attempting to negotiate any negotiable instrument payable to Petitioner without the personal signature of Petitioner.

11. Taking any action to terminate or limit credit or charge cards in the name of Petitioner.
12. Using any password or personal identification number to gain access to Petitioner's email account, bank account, social media account, or any other electronic account.
13. Terminating or in any manner affecting the service of water, electricity, gas, telephone, cable television, or any other contractual service, including security, pest control, landscaping, or yard maintenance, at 157 CR 1380, Alvord, Texas or in any manner attempting to withdraw any deposits for service in connection with any of those services.
14. Excluding Petitioner from the use and enjoyment of the residence located at 157 CR 1380, Alvord, Texas.
15. Entering, operating, or exercising control over the motor vehicle in possession of Petitioner or any motor vehicle in the possession of Petitioner.
16. Tracking or monitoring personal property or a motor vehicle in the possession of Petitioner, without Petitioner's effective consent, including by using a tracking application on a personal electronic device in the possession of Petitioner, using a tracking device, or physically following Petitioner or causing another to physically follow Petitioner.

Petitioner requests that Respondent be authorized only as follows:

- a. To make expenditures and incur indebtedness for reasonable and necessary living expenses for food, clothing, shelter, transportation, and medical care.
- b. To engage in acts reasonable and necessary to conduct Respondent's usual business and occupation.

15. *Extraordinary Relief*

As the basis for the extraordinary relief requested below, Petitioner would show that before the filing of this petition Respondent has engaged in the conduct set forth in the affidavit attached as Exhibit A. Based on that affidavit, Petitioner requests the Court to grant the following relief:

- a. Issue an order excluding Respondent from Respondent's residence at 157 CR 1380, Alvord, Texas.
- b. Issue an order disallowing Respondent from encumbrance, sale, distribution, forfeiture, or any other legal change relative to title, ownership, and conveyance in any manner, regarding the following properties:
 - 1) Lot 20, Block 1, of BAR W, an Addition to Wise County, Texas, according to the Plat thereof recorded in Cabinet E, Slide 311, Plat Records of Wise County, Texas ~ 10 acres; and
 - 2) Lot 21, Block 1, of BAR W, an Addition to Wise County, Texas, according to the Plat thereof recorded in Cabinet E, Slide 311, Plat Records of Wise County, Texas ~ 10 acres.

16. *Request for Temporary Orders Concerning Use of Property*

Petitioner requests the Court, after notice and hearing, for the preservation of the property and protection of the parties, to make temporary orders and issue any appropriate temporary injunctions respecting the temporary use of the parties' property as deemed necessary and equitable, including but not limited to the following:

- a. Awarding Petitioner the exclusive use and possession of the residence located at 157 CR 1380, Alvord, Texas, as well as the furniture, furnishings, and other personal property at that residence, while this case is pending, and enjoining Respondent from entering or remaining on the premises of the residence and exercising possession or control of any of this personal property, except as authorized by order of this Court.
- b. Awarding Petitioner exclusive use and control of the motor vehicle in Petitioner's possession and enjoining Respondent from entering, operating, or exercising control over it.
- c. Awarding Petitioner the exclusive use of the following property and enjoining Respondent from exercising possession or control of any of this property 157 CR 1380, Alvord, Texas – which includes both parcels herein above stated.

17. *Request for Temporary Orders for Discovery and Ancillary Relief*

Petitioner requests the Court, after notice and hearing, for the preservation of the property and protection of the parties, to make temporary orders for discovery and ancillary relief as deemed necessary and equitable, including but not limited to the following:

- a. Ordering Respondent to provide a sworn inventory and appraisalment of all the separate and community property owned or claimed by the parties and all debts and liabilities owed by the parties substantially in the form and detail prescribed by the current edition of *Texas Family Law Practice Manual*, form 7-1.
- b. Ordering Respondent to produce copies of all the information necessary to prepare Petitioner's tax return for tax year 2024 including tax returns and all supporting schedules for tax year 2021, 2022, and 2023, by a date certain.
- c. Ordering the parties to participate in an alternative dispute resolution process before trial of this matter.
- d. Ordering Respondent to execute all necessary releases required by Petitioner to obtain any discovery allowed by the Texas Rules of Civil Procedure.
- e. Ordering a pretrial conference to simplify the issues in this case and determine the stipulations of the parties and for any other matters the Court deems appropriate.

18. *Breach of Fiduciary Duty*

Respondent, as Petitioner's spouse and as co-owner of properties, had a fiduciary relationship with and a fiduciary duty to Petitioner. As a result of their fiduciary relationship, Petitioner reposed a special confidence in Respondent, and Respondent had a duty in equity and good conscience to act in good faith and with due regard for Petitioner's interests.

Respondent, in violation of her duty to Petitioner, has breached or is attempting to breach her duty to Petitioner, which constitutes Constructive Fraud.

Respondent has defrauded Petitioner by breaching a legal and/or equitable duty owed Petitioner as a result of their fiduciary relationship. That breach is fraudulent because,

irrespective of Respondent's moral guilt, the breach had a tendency to deceive Petitioner and to violate Petitioner's confidence or to injure the public interest, especially and particularly in reference to the two referenced properties and their improvements herein more commonly known as 157 CR 1380, Alvord, Texas.

19. Attorney's Fees, Expenses, Costs, and Interest

It was necessary for Petitioner to secure the services of Andrew M. Lloyd, a licensed attorney, to prepare and prosecute this suit. To effect an equitable division of the estate of the parties and as a part of the division, judgment for attorney's fees, expenses, and costs through trial and appeal should be granted against Respondent and in favor of Petitioner for the use and benefit of Petitioner's attorney; or, in the alternative, Petitioner requests that reasonable attorney's fees, expenses, and costs through trial and appeal be taxed as costs and be ordered paid directly to Petitioner's attorney, who may enforce the order in the attorney's own name. Petitioner requests postjudgment interest as allowed by law.

20. Prayer

Petitioner prays that citation and notice issue as required by law and that the Court grant a divorce and all other relief requested in this petition.

Petitioner prays that the Court immediately grant a temporary restraining order restraining Respondent, in conformity with the allegations of this petition, from the acts set forth above, and Petitioner prays that, after notice and hearing, this temporary restraining order be made a temporary injunction.

Petitioner prays that the Court find that the obligation to Petitioner has created the presence of premeditated or accomplished fraud of Petitioner's rights in the community estate or properties in trust and that, after notice and hearing, the Court enter an order that the obligation be defined and actions of Respondent void or unenforceable.

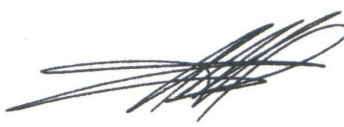
Petitioner prays for attorney's fees, expenses, and costs as requested above.

Petitioner prays for general relief.

Respectfully submitted,

LLOYD & ASSOCIATES, PLLC
1512 E. McKinney St., Suite 201
Denton, Texas 76209
Tel: 940.381.2600
Fax: 866.701.0339

By: _____


Andrew M. Lloyd
State Bar No. 24039019
andrew@LloydCounsel.com
ATTORNEY FOR PETITIONER

Certificate of Service

I certify that a true copy of this Second Amended Petition for Divorce was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on November 5, 2024:

Darcy Gusse via e-service

A handwritten signature in black ink, appearing to read 'ANDREW M. LLOYD', written over a horizontal line.

ANDREW M. LLOYD
Attorney for Petitioner

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CAUSE NO. CV24-09-734

**IN THE MATTER OF THE
MARRIAGE OF**

**CHRIS MCCARTHY
AND
DARCY GUSSE**

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**IN THE COUNTY

COURT AT LAW #2

WISE COUNTY, TEXAS**

PETITIONER'S SUPPORTING AFFIDAVIT

Chris McCarthy appeared in person before me today and stated under oath:

"My name is Chris McCarthy. I am above the age of eighteen years, and I am fully competent to make this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct.

"I am the Petitioner in this case.

"Many threats have been made against me by Darcy Gusse."

"If I don't give her the keys to "Her truck" she will call the police and report it stolen. This is a truck that I have paid for since the purchase date. We put the truck in her name because we were building her credit. This is extremely stressful as it is my only source of transportation, save and except, a 1978 MG Midget which will not go faster than 50 mph and it is unreliable."

"We purchased land together, Darcy is consistently and constantly stating that I must "get off her land" and she is "going to sell it." She has threatened a pocket listing to her father who lives in Illinois, perhaps. Darcy had stated she is going to "terminate the business" she/we own, I manage, and that I should "start my own business." Due to the continued threats, I have been forced to start a new business. Darcy refuses to participate in the "old business." I have had to finance and conclude the existing contracts out of a moral obligation to my clients. Starting the new business has caused a massive financial burden, as well as the mental stress.

"Darcy and I have/had several shared bank accounts, insurance policies, credit cards, which I have been blocked from access to these accounts. I have continued to pay the shared bills which include both of our truck payments, the land payments, the insurance on both the vehicles, electricity, etc. I will not allow these accounts to fall into default. There are payments which I have cannot access and cannot satisfy. I will not allow Darcy to tell me "not pay her bills" since they are our bills. I do not agree with that approach. Darcy wants me to go into default so she can simply "declare bankruptcy," as she has told me and others is what she desires as an exit strategy from the personal and professional relationship(s), leaving everyone high and dry.

"Darcy Gusse has removed her personal possessions from our shared residence and has been residing at an unknown location since September 16, 2024. The only remaining property, that I am aware of, are several horses which do not require the land to survive as they are hand fed two or three times a day living in an area of 1500 square feet of the land. My need for the continued and exclusive use of the property extends beyond a place to stay. I have contractual obligations which require office space, the shop space where I manufacture cabinets and millwork for my home builds. The shop space also serves as a storage facility, meeting place, repair shop, and for the time being, I live in the upstairs office. I don't have the opportunity to just leave and abandon my responsibilities. The legal and financial consequences would be enormous. I cannot absorb moving costs, leasing another property, renting a home, and the continued expense of maintaining the financial obligations."

"Darcy had made many threats over the last four (4) years to abandon the property. Since we put all of the assets in Darcy's name, she is in a much better position to continue the behavior she is currently engaged in. Darcy states she "hates this place" and "it's cursed." Darcy's daughter (Mackenzie Tolbert) has been staying in the camper on the property since Darcy has left. Mackenzie Tolbert appears to be on the property to feed and water the horses, as well as monitor my movements."

"Darcy has removed thousands of dollars worth of tools and equipment from the property throughout September 2024 causing further distress in my day-to-day routine, personal and business. Prior to leaving the property, Darcy has damaged and destroyed components of the property, including beating my office door down with a sledgehammer in March 2024. She also broke a lower-level window with a sledgehammer in March 2024. In September 2024, Darcy spray painted hateful and untrue statements on the shop floor causing damage to my personal property. I feel that Darcy will know when I am not here and she will destroy or remove property to make my life more difficult than she already has."

"In 2019, Darcy assaulted me. In 2023, Darcy spit in my, then 17-year-old, daughter's face. In 2018, Darcy smacked my other daughter, then 8 years old, in the face. Darcy claimed it was just a light slap. This is unacceptable."

Darcy has, without my knowledge, installed tracking software on my cell phone. She also put wireless cameras in my oldest daughter's sleeping area without anyone's knowledge. Darcy told me that "God says kill her" and later told me that she wished someone would find my daughter "Raped and dead in a gutter somewhere." I felt it necessary to take my oldest daughter to Kansas out of fear for her safety due to Darcy's wildly volatile and violent nature. Darcy has two (2) arrests in the State of Illinois for battery in 1989 and 1992, Whiteside County 1989CM169 and 1992CM330. Although these incidents were a long time ago, I believe Darcy is capable of violence and I have witnessed it firsthand.

"Darcy has threatened to "slit a neighbor's throat" if anyone touches her horses, poison horses belonging to others, and has threatened me with "anger and rage." if I don't do as she says."

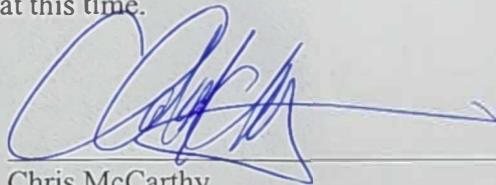
"Darcy has one (1) handgun, and she should not be around any weapons of any kind

whatsoever.”

“On or about beginning September 30, 2024, when I was ordered to leave the property, Darcy gained access to my living area using a lock pick set. Darcy burned my kids’ belongings, burned my personal possessions, destroyed electronics, destroyed my vintage shotgun, destroyed hunting “trophies,” damaged my classic car, damaged and/or destroyed family heirlooms, threw away frozen fish I caught in Maine and Texas, burned my offroad racing awards, burned hard drives, threw away grandfather’s burial flag (WW2 Veteran), removed/damaged doors to lower level of the shop, installed no less than four cellular/Wi-Fi cameras on the property, two of which I found, removed personal possessions, tools, materials from my home, cancelled a bank account at Pilgrim bank. The 2017 F350 and the Kawasaki mule are missing from the property.”

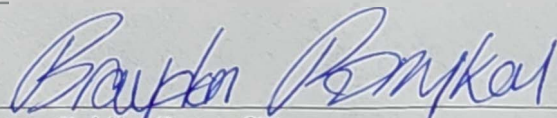
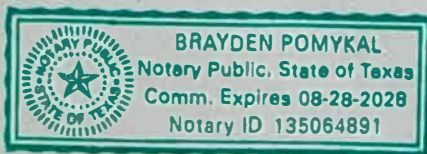
“Darcy and I came to agreements with counsel on October 15, 2024. Darcy refused to sign the agreement. Since Court and the agreements, Darcy has locked the entry gate with chain and padlock, locked me out of the shop where I reside, and I run my business from. I had to lock the shop doors OPEN so I was not locked out. Darcy cut the locks and locked the doors so I could not get in. She proceeded to barricade the doors. In the evenings, while I am absent, Darcy would continuously rearrange the shop space, so that her and her daughter may play basketball in the shop space. My employees and I would have to organize the shop during the day to attempt to complete the pending projects for my customers. Darcy will also park her large truck in the shop space to obstruct my ability to work.”

“I request that the Temporary Restraining Order is granted. Hopefully, it will provide some peace and tranquility in my life while both parties let the legal system work out the particulars of our current predicament. I do not believe that Darcy is in control of her emotions, clear in her thinking, has the capability to formulate a measured response to stressful situation, and is capable of violence without any consideration to consequence. I believe that removing Darcy from the shared residence is the only safe thing to do at this time.



Chris McCarthy

SIGNED under oath before me on 10-30-2024


Notary Public, State of Texas

**WISE COUNTY STANDING ORDER REGARDING
CHILDREN, PROPERTY AND CONDUCT OF THE PARTIES**

No party to this lawsuit has requested this order. Rather, this order is a standing order of the Wise County District Court that applies in every divorce suit and every suit affecting the parent-child relationship filed in Wise County. The District Court of Wise County has adopted this order because the parties and their children should be protected and their property preserved while the lawsuit is pending before the Court. Therefore, **IT IS ORDERED**:

1. **NO DISRUPTION OF CHILDREN.** Both parties are ORDERED to refrain from doing the following acts concerning any children who are subjects of this cause:

1.1 Removing the children from the State of Texas, acting directly or in concert with others, without the written agreement of both parties or an order of this Court.

1.2 Disrupting or withdrawing the children from the school or day-care facility where the children are presently enrolled, without the written agreement of both parties or an order of this Court.

1.3 Hiding or secreting the children from the other parent or changing the children's current place of abode, without the written agreement of both parents or an order of this Court.

1.4 Disturbing the peace of the children.

1.5 Making disparaging remarks about each other or the other person's family members, to include but not be limited to the child's grandparents, aunts, uncles, or stepparents.

1.6 Discussing with the children, or with any other person in the presence of the children, any litigation related to the children or the other party.

1.7 If this is an original divorce action, allowing anyone with whom the party is romantically involved, to remain overnight in the home while in possession of the children. Overnight is defined from 10:00 p.m. until 7:00 a.m.

2. **CONDUCT OF THE PARTIES DURING THE CASE.** Both parties are ORDERED to refrain from doing the following acts:

2.1 Using vulgar, profane, obscene, or indecent language, or a coarse or offensive manner to communicate with the other party, whether in person, by telephone, or in writing.

2.2 Threatening the other party in person, by telephone or in writing to take unlawful action against any person.

2.3 Placing one or more telephone calls, at an unreasonable hour, in an offensive or repetitious manner, without a legitimate purpose of communication, or anonymously.

2.4 Opening or diverting mail addressed to the other party.

3. **PRESERVATION OF PROPERTY AND USE OF FUNDS DURING DIVORCE CASE.** If this is a divorce case, both parties to the marriage are ORDERED to refrain from the following acts:

3.1 Destroying, removing, concealing, encumbering, transferring, or otherwise harming or reducing the value of the property of one or both of the parties.

3.2 Misrepresenting or refusing to disclose to the other party or to the Court, on proper request, the existence, amount, or location of any property of one or both of the parties.

3.3 Damaging or destroying the tangible property of one or both of the parties, including any document that represents or embodies anything of value.

3.4 Tampering with the tangible property of one or both of the parties, including any document that represents or embodies anything of value, and causing pecuniary loss to the other party.

3.5 Selling, transferring, assigning, mortgaging, encumbering, or in any other manner alienating any of the property of either party, whether personal property or real estate property, and whether separate or community, except as specifically authorized by this order.

3.6 Incurring any indebtedness, other than legal expense in connection with this suit, except as specifically authorized by this order.

3.7 Making withdrawals from any checking or savings account in any financial institution for any purpose, except as specifically authorized by this order.

3.8 Spending any sum of cash in either party's possession or subject to either party's control for any purpose, except as specifically authorized by this order.

3.9 Withdrawing or borrowing in any manner for any purpose from any retirement, profit-sharing, pension, death, or other employee benefit plan or employee savings plan or from any individual retirement account or Keogh account, except as specifically authorized by this order.

3.10 Signing or endorsing the other party's name on any negotiable instrument, check, or draft, such as tax refunds, insurance payments, and dividends, or attempting to negotiate any negotiable instrument payable to the other party without the personal signature of the other party.

3.11 Taking any action to terminate or limit credit or charge cards in the name of the other party.

3.12 Entering, operating, or exercising control over the motor vehicle in the possession of the other party.

3.13 Discontinuing or altering the withholding for federal income taxes on wage or salary while this suit is pending.

3.14 Terminating or in any manner affecting the service of water, electricity, gas, telephone, cable television, or other contractual services, such as security, pest control, landscaping or yard maintenance at the other party's residence or in any manner attempting to withdraw any deposits for service in connection with such services.

3.15 Intercepting or recording the other party's electronic communications.

4. **PERSONAL AND BUSINESS RECORDS IN DIVORCE CASE.** If this is a divorce case, both parties to the marriage are ORDERED to refrain from doing the following acts:

4.1 Concealing or destroying any family records, property records, financial records, business records or any records of income, debts, or other obligations.

4.2 Falsifying any writing or record relating to the property of either party.

4.3 "Records" include e-mail or other digital or electronic data, whether stored on a computer hard drive, diskette or other electronic storage device.

5. **INSURANCE IN DIVORCE CASE.** If this is a divorce case, both parties to the marriage are ORDERED to refrain from doing the following acts:

5.1 Withdrawing or borrowing in any manner all or any part of the case surrender value of life insurance policies on the life of either party, except as specifically authorized by this order.

5.2 Changing or in any manner altering the beneficiary designation on any life insurance on the life of either party or the parties' children.

5.3 Canceling, altering, or in any manner affecting any casualty, automobile, or health insurance policies insuring the parties' property of persons including the parties' minor children.

6. **SPECIFIC AUTHORIZATIONS IN DIVORCE CASE.** If this is a divorce case, both parties to the marriage are specifically authorized to do the following:

6.1 To engage in acts reasonable and necessary to the conduct of that party's usual business and occupation.

6.2 To make expenditures and incur indebtedness for reasonable attorney's fees and expenses in connection with this suit.

6.3 To make expenditures and incur indebtedness for reasonable and necessary living expenses commensurate with such expenditures and indebtedness incurred for the past six months.

6.4 To make withdrawals from accounts in financial institutions only for the purposes authorized by this order.

7. **SERVICE AND APPLICATION OF THIS ORDER.**

7.1 The Petitioner shall attach a copy of this order to the original petition and to each copy of this petition. At the time the petition is filed, if the Petitioner has failed to attach a copy of this order to the petition and any copy of the petition, the Clerk shall ensure that a copy of this order is attached to the petition and every copy of the petition presented.

7.2 This order is effective upon the filing of the original petition and shall remain in full force and effect as a temporary restraining order for fourteen days after the date of the filing of the original petition. If no party contests this order by presenting evidence at a hearing on or before fourteen days after the day of the filing of the original petition, this order shall continue in full force and effect as a temporary injunction until further order of this Court. This entire order will terminate and will no longer be effective when the Court signs a final order or the case is dismissed.

8. **EFFECT OF OTHER COURT ORDERS.** If any part of this order is different from any part of a protective order that has already been entered or is later entered, the protective order provisions prevail. Any part of this order not changed by some later order remains in full force and effect until the Court signs a final decree.

9. **PARTIES ENCOURAGED/ORDERED TO MEDIATE.** The parties are encouraged to settle their disputes amicably without court intervention. In the event the parties are unable to settle their disputes, they are hereby ORDERED to use alternative dispute resolution methods, such as mediation, to settle those items that cannot be agreed to before setting a hearing on temporary orders or final orders.

THIS WISE COUNTY STANDING ORDER REGARDING CHILDREN, PROPERTY AND CONDUCT OF THE PARTIES SHALL BECOME EFFECTIVE ON SEPTEMBER 1, 2022.


JUDGE BROCK R. SMITH
271ST JUDICIAL DISTRICT COURT
JACK AND WISE COUNTIES


JUDGE GREG LOWERY
WISE COUNTY
COUNTY COURT AT LAW NO. 1


JUDGE DANA MANOUSHAGIAN
WISE COUNTY
COUNTY COURT AT LAW NO. 2

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Jennifer Johnson on behalf of Andrew Lloyd

Bar No. 24039019

jennifer@lloyd counsel.com

Envelope ID: 93926072

Filing Code Description: Plaintiff'S Amended Petition

Filing Description: SECOND AMENDED PETITION FOR DIVORCE AND REQUEST FOR TEMPORARY RESTRAINING ORDER

Status as of 11/5/2024 8:56 AM CST

Associated Case Party: CHRISTOPHER MCCARTHY

Name	BarNumber	Email	TimestampSubmitted	Status
Andrew Lloyd		andrew@lloyd counsel.com	11/5/2024 8:46:12 AM	SENT

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
LLOYD ASSOCIATES		jennifer@lloyd counsel.com	11/5/2024 8:46:12 AM	SENT

Associated Case Party: DARCY GUSSE

Name	BarNumber	Email	TimestampSubmitted	Status
Darcy Gusse		DM_14Designs@gmail.com	11/5/2024 8:46:12 AM	ERROR